

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL THOMAS,

Plaintiff,

v.

CHRISTIAN PFEIFFER, et al.

Defendants.

Case No. 1:23-cv-01232 JLT SAB (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT REGARDING EXHAUSTION, AND DISMISSING THE ACTION WITHOUT PREJUDICE

(Docs. 26, 34)

Michael Thomas seeks to hold Palomino, a nurse, liable for violations of his civil rights while housed at Kern Valley State Prison.¹ (Docs. 16, 17.) Defendant seeks summary judgment, asserting that Plaintiff failed to exhaust all his administrative remedies. (Doc. 26.) The magistrate judge found that "the evidence viewed in the light most favorable to Plaintiff demonstrates that he failed to properly exhaust the available administrative remedies prior to filing this action, and Defendant's motion for summary judgment should be granted." (Doc. 34 at 20; *see also id.* at 12-20.)

The Court served the Findings and Recommendations on the parties and notified Plaintiff that any objections were due within 14 days. (Doc. 34 at 21.) The Court advised him that the "failure to file objections within the specified time may result in the waiver of rights on appeal."

¹ Palomino was the only defendant named in the amended complaint, and Plaintiff dropped all other defendants. (*Compare Doc. 1 with Doc. 16.*)

1 (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file
2 objections, and the time to do so has passed.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
4 Having carefully reviewed the entire matter, the Court finds the Findings and Recommendations
5 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

6 1. The Findings and Recommendations issued on May 21, 2025 (Doc. 34) are
7 **ADOPTED** in full.
8 2. Defendant's motion for summary judgment (Doc. 26) is **GRANTED**.
9 3. The action is **DISMISSED** without prejudice for failure to exhaust administrative
10 remedies.
11 4. The Clerk of Court is directed to enter judgment for Defendants, terminate all
12 pending motions, and to close this case.

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14 IT IS SO ORDERED.

15 Dated: June 24, 2025


UNITED STATES DISTRICT JUDGE

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